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EXAMINER

GONZALEZ, MADELINE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed on September 16, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that "The Wheeler valves move perpendicularly to their longitudinal extent, not along their longitudinal extent, in order to be longitudinally displaceable, as recited in claim 11": Wheeler teaches a blocking part 60 blocking fluid connections, as shown in Figs. 3 and 4, said blocking part having a rotary movement. Nichtnennung (German patent) teaches longitudinally displaceable valves in order to open and closed fluid passages and it would have been obvious to combine the references since the provision of rotational and/or longitudinal movement to a valve is very common in the art (see page 5, lines 1-6 of translation of German patent). With this modification the blocking part 60 of Wheeler will move in a horizontal direction with respect to filter shown in Fig. 3, since that has been considered the longitudinal axis. Furthermore, applicant's specification is defining axes 32, 34, 38, as longitudinal axes (see page 5, lines 3-20).

In response to applicant's argument that the Wheeler filter housing 26 and fluid container 24 are located end-to-end, and claim 11 requires that the housing and container are "side-to-side" with the blocking part: Wheeler teaches a fluid container 24 having an exterior surface and being located adjacent to and side-by-side with filter housing 26, as shown in Fig. 3. An "end" can be considered a "side".

With respect to claim 12: The container 24 of Wheeler is a tank, which meets the structural part of the claim. The recitation "hydraulic tank" is considered a functional limitation and the container 24 of Wheeler is capable of being a hydraulic tank.

With respect to claim 14: Wheeler discloses the blocking part 60 having openings, as shown in Fig. 4. With the modification of Wheeler with the German patent only the movement of the valve is modified, i.e., the valve disclosed by Wheeler is not replaced with the valve of the German patent.

With respect to claim 15: The fluid inlet and outlet and the fluid passages are located one of top of another, since the horizontal direction has been considered a longitudinal axis, according to applicant's definition of a longitudinal axis in applicant's specification (see page 5, lines 3-20).

With respect to claims 16 and 17: Gandini teaches a check valve in the form of a sealing lip 28 (see col. 2, lines 51-53).

With respect to claim 18: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., fluid connections on the lateral side) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claim 19: Wheeler teaches a lever 69 (locking part) received in the blocking part 60, and a locking part received in an opening in one of flange part 70, as shown in Fig. 3.

With respect to claim 20: Wheeler teaches a lever 69 that has been considered a locking pin.

With respect to claim 21: Tomita teaches the use of a handle on a housing 102 and it would have been obvious to provide a handle to the housing disclosed by Wheeler as modified by the German patent for easy transportation.

With respect to claim 22: Applicant's arguments are not persuasive. The combination of Muzik with Wheeler and the German patent has been explained in the previous Office Action.

With respect to claim 23: This argument is not persuasive. All the claim requires is movement in a straight line.

With respect to claim 24: The modification is supported by a case law, as stated in the previous Office Action (see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

With respect to claims 25 and 26: Wheeler teaches the blocking part 60 having two openings 64, 62, and two wall parts fixedly connected. The blocking part of Wheeler is not replaced with the valves of the German patent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is

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(571)272-5502. The examiner can normally be reached on M, T, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797

Madeline Gonzalez
Patent Examiner
September 28, 2009